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05012005

CHARLES DOUGLAS MURPHY  
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JUN 08 2005

In re Application of  
Charles MURPHY  
Application No. 10/084,803  
Filed: February 28, 2002  
Title: SHARED PARALLEL DIGITAL-TO-  
ANALOG CONVERSION

DECISION ON PETITION

This is a decision on the communication filed December 15, 2003, requesting that Notice of Abandonment be withdrawn. The communication has been treated as a petition requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition to withdraw the holding of abandonment is GRANTED.

This application was held abandoned for failure to timely reply the Notice of Non-Compliant Amendment mailed May 22, 2003, setting forth a one-month period of response. A Notice of Abandonment was mailed on November 26, 2003.

Petitioner asserts that an Amendment B was prepared in response to the Notice of Non-Compliant Amendment and was timely mailed to the Patent and Trademark Office (USPTO) on June 3, 2003. This is evidenced by the certificate of mailing attached to the response, a copy of the response and the post card receipt indicating receipt of the papers in the USPTO on June 6, 2003.

The Amendment B acknowledged as having been received in the USPTO on June 6, 2003 is not of record in the application file and cannot be located. However, M.P.E.P. §503 states, "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the Amendment B prepared in response to the Notice of Non-Compliant Amendment was timely received in the USPTO but lost after receipt thereof.

For the above reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Inconvenience to petitioner is regretted.

The application file is being forwarded to the technical support staff for processing the Amendment B response to the Notice of Non-Compliant Amendment. From there, it will be returned to the examiner for further prosecution.

Questions regarding this decision should be directed to Jose' G. Dees at 571-272-1569.



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